

CONSULAR OFFICERS ENGAGED IN BUSINESS IN VIOLA-
TION OF LAW.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*Correspondence between the Secretary of State and consular officers engaged
in business in violation of the consular law of 1856.*

FEBRUARY 15, 1859.—Read, referred to the Committee on Foreign Affairs, and ordered to be
printed.

To the House of Representatives :

I transmit herewith a report from the Secretary of State, with accompanying papers, in answer to the resolution of the House of Representatives of the 14th of June last requesting the communication of all information and correspondence which may have been received in regard to any consular officer engaged in business in violation of law.

JAMES BUCHANAN.

WASHINGTON, *February* 12, 1859.

DEPARTMENT OF STATE,
Washington, February 12, 1859.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 14th of June last, requesting the President of the United States "to communicate to this House at its next session whether any 'consul general, consul, or commercial agent,' embraced in schedule B, of the act of 18th August, 1856, has been engaged in violation of said act in mercantile business, as a merchant, factor, broker, or other trader, or as clerk or agent for any

such person, directly or indirectly, and that he communicate to this House all information and correspondence which may have been received on that subject," has the honor to lay before the President a copy of the documents specified in the accompanying list.

LEW. CASS.

The PRESIDENT of the United States.

LIST OF PAPERS.

Report of the Secretary of State to the President, in answer to the resolution of the House of Representatives of June 14, 1858.

- Mr. Marcy to Mr. Stettheimer, with enclosure, November 8, 1856.
- Mr. Stettheimer to Mr. Marcy, extract, January 15, 1857.
- Mr. Ricker to Mr. Marcy, extract No. 8, February 7, 1857.
- Mr. Ricker to Mr. Marcy, extract No. 9, February 11, 1857.
- Mr. Appleton to Mr. Stettheimer, with enclosure, April 18, 1857.
- Mr. Stettheimer to Mr. Cass, No. 4, May 18, 1857.
- Mr. Appleton to Mr. Stettheimer, extract, No. 16, 1857.
- Mr. Stettheimer to Mr. Cass, extract, with enclosures, December 14, 1857.
- Mr. Appleton to Mr. Stettheimer, September 11, 1858.
- Mr. Appleton to Mr. Fairfield, with enclosure, October 17, 1857.
- Mr. Fairfield to Mr. Cass, extract No. 5, February 17, 1858.
- Mr. Marcy to Mr. Latimer, with enclosure, November 8, 1856.
- Mr. Appleton to Mr. Latimer, with enclosure, April 9, 1857.
- Mr. Latimer to Mr. Cass, No. 154, May 26, 1857.
- Mr. Cass to Mr. Cobb, June 30, 1858.
- Mr. Appleton to Mr. Latimer, June 30, 1858.
- Mr. Cass to Mr. Cobb, July 22, 1858.
- Mr. Cass to Mr. Latimer, July 22, 1858.
- Mr. Latimer to Mr. Cass, No. 10, August 24, 1858.
- Fifth Auditor to Mr. Latimer, September 7, 1858.
- Fifth Auditor to Mr. Latimer, September 8, 1858.
- Messrs. Oñativia & Co. to Mr. Cass, September 30, 1858.
- Mr. Latimer to Mr. Cass, with enclosure No. 16, October 2, 1858.
- Fifth Auditor to Mr. Cass, October 7, 1858.
- Mr. Appleton to Mr. Latimer, with enclosure, October 13, 1858.
- Mr. Appleton to Messrs. Oñativia & Co., October 13, 1858.
- Mr. Appleton to Mr. Latimer, with enclosure, October 27, 1858.
- Mr. Appleton to Fifth Auditor, extract, January 8, 1859.
- Mr. Cobb to Mr. Cass, with enclosure, January 17, 1859.
- Mr. Appleton to Mr. Latimer, with enclosure, January 17, 1859.
- Mr. Cass to Mr. Cobb, January 17, 1859.
- Mr. Appleton to Mr. Latimer, February 2, 1859.

Mr. Marcy to Mr. Stettheimer.

[Circular No. 16.]

DEPARTMENT OF STATE,
Washington, November 8, 1856.

SIR: Your attention is especially called to the provisions of the act of Congress approved August 18, 1856, and also to the tariff of fees prescribed by the President to be charged for official services. A copy of the tariff is herewith enclosed, together with a blank form of the official bond, which you are required to execute forthwith, and transmit to this department.

A newspaper containing the above mentioned act was sent to your address immediately after its passage, and subsequently pamphlet copies of the statutes passed at the first and second sessions of the thirty-fourth Congress, the receipt of which you are requested to acknowledge.

In the event of your declining to remain in office under the provisions of the act herein mentioned, which takes effect on the 1st of January next, you will, at your earliest convenience, apprise the department of that fact; and, in the mean time, until your successor is appointed, or the further pleasure of the President is ascertained, you are requested to continue in the discharge of the consular functions.

I am, sir, very respectfully, your obedient servant,

WM. L. MARCY.

MAX STETTMEIER, Esq.,

United States Consul, Stutgard, Wurtemberg.

Know all men by these presents, that we, ———, are held and firmly bound to the United States of America in the sum of two thousand dollars, money of the said United States, to the payment whereof we bind ourselves, jointly and severally, our joint and several heirs, executors, and administrators. Witness our hands and seals, this ——— day of ———, 18—.

The condition of the above obligation is such, that if the above bounden ———, appointed ——— of the United States at ———, shall truly and faithfully discharge the duties of his said office according to law, and shall truly and faithfully account for, pay over, and deliver up all fees, moneys, goods, effects, books, records, papers, and other property which shall come to the hands of the said ———, or to the hands of any person for his use as such ———, under any law now or hereafter enacted, and that he will truly and faithfully perform all other duties now or hereafter lawfully imposed upon him as such ———. And these presents are subject to this other and further condition, that he, the said ———, will not, while he holds the said office, be interested in or transact any business as a merchant,

factor, broker, or other trader, or as a clerk or other agent for any such person, to, from, or within the port, place, or limits of his ———, directly or indirectly, either in his own name or in the name or through the agency of any other person; and in case he, the said ———, shall violate the provisions of this condition, that then the above named obligors shall be liable to said obligees to a penalty for the breach of such condition in a sum equal to the amount of the annual compensation of said ———; which is hereby stipulated, agreed upon, and admitted by way of liquidated damages, but that this condition shall not impair or prevent the right of the United States to prosecute said ——— for the recovery of said penalty against him, the said ———, individually, the same as if this bond had not been given; and if the said ——— shall conform to all the above conditions, then this obligation to be void; otherwise, to remain in full force.

Signed, sealed, and delivered, in the presence of us—

The following instructions must be particularly observed and complied with:

1st. The Christian names must be written in the body of the bond in full, and so signed to the bond.

2d. A seal of wax or wafer to be attached to each signature.

3d. Each signature must be made in the presence of two persons, who must sign their names as witnesses.

4th. The United States attorney of the district in which the sureties reside must certify that they are sufficient to pay the penalty of the bond, and are citizens of the United States.

5th. Bond to be dated.

Mr. Stettheimer to Mr. Marcy.

[Extract.]

No. 1.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Stutgard, January 15, 1857.

To the Department of State, Washington:

Since my last report, No. 12, dated October 5, 1856, I received circular No. 15 and No. 16; also Statutes at Large, from the first and second session of the 34th Congress, 1855-'56, which I shall keep in good order for the use of this consulate.

* * * * *

I have the honor to sign, very respectfully, your most obedient servant,

MAX. STETTHEIMER,

Consul of the United States of America.

HON. SECRETARY OF STATE,

Washington.

Mr. Ricker to Mr. Marcy.

[Extract.]

No. 8.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Frankfort-on-the-Mayne, February 7, 1857.

SIR: * * * * *

Whilst the stringent consular instructions appear well calculated to support our credit and protect our interest, something more is required to put the consular system in wholesome working order.

According to the Baden "Address Book," there are two United States consuls in that duchy, viz: Mr. Scherff, at Manheim, and Mr. De Puy, at Carlsruhe. Mr. Scherff was rejected by the Senate in 1854, and Mr. De Puy abandoned his post and sailed for the United States in July last. Besides these two, there is a notice in the Carlsruhe paper to the effect that Mr. Wertheim is vice consul, and ready to attend to United States consular business. That notice first appeared some eight months ago, and every time it is published it adds to our discredit. I think neighboring consuls, who are injured by the degradation of that consulate, have a right to complain; in fact, it is a duty to bring the matter to your notice, and to continue to do so until the proper remedy shall be applied. My own opinion is, Baden should be annexed, in some way, to this district, and that, too, *without delay*. A good deal of the Baden business represented in my accounts would have come to this office even had Baden been filled with consuls, and to this place all of the business should be directed, and also the business of Rhenish Bavaria; in fact, the district of this consul generalship should include all the small States of Germany, with Bavaria, Wurtemberg, &c.; and if I were the consul general, with the obligation of speaking of matters within my district, I would then pray you to discharge the consul at Stuttgart. When I was in that city last winter he had been absent in London for more than two weeks, and was not expected back for two weeks more. He is often absent, and engaged in business contrary to the consular law. I am told the consular office is a kind of counting room for his business operations. I send you annexed a sample of his official and commercial letter paper. * * *

Your very obedient servant,

SAMUEL RICKER.

Hon. WILLIAM L. MARCY,
*Secretary of State.**Mr. Ricker to Mr. Marcy.*

[Extract.]

No. 9.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Frankfort-on-the-Mayne, February 9, 1857.

SIR: In my despatch, No. 8, of the 7th instant, I had the honor to mention the case of the consul at Stuttgart, and intended to have en-

closed to you a sample of his semi-official, semi-commercial letter paper, but inadvertently omitted to do so. I now hand it herewith. You will see that, on the outer circle of the stamp, he has annexed his commercial firm in New York; in the next circle his house in Stuttgart; and in the interior the United States consulate. I was told by Mr. Seligman, a brother-in-law of the consul, that the paper bearing the stamp here described was the kind used by the official in his commercial and other correspondence. It seems to me this is all wrong for a consul of any class, but especially wrong for one prohibited by law from engaging in trade. His only justification for continuing this disreputable course will be your acquiescence after the facts here set forth shall have come to your knowledge, and this letter is intended to bring them to your notice.

Officially, I do not like the Stuttgart consul; but I have no private animosity, and would not, on any account, interfere in his business affairs. Besides, I am perfectly willing that any one who can justly accuse me of remissness in my official duties should report the same to you. If I have not the right to speak of these matters as a consul, I pray you to accept it as from an American citizen. My whole object is to promote the character and usefulness of our consular establishment. * * * * *

I have the honor to be, with respect, sir, your obedient servant,
SAMUEL RICKER.

Hon. WILLIAM L. MARCY, *Secretary of State.*

[Seligman & Stettheimer, New York.]

[Consulate U. S. A.]

[M. Stettheimer, Stuttgart.]

Mr. Appleton to Mr. Stettheimer.

DEPARTMENT OF STATE,
Washington, April 18, 1857.

SIR: No reply having been received to the circular letter of instructions which was addressed to you on the 8th of November last by this department, nor any notice taken of the official bond which you were directed to execute and return to the department in accordance with the provisions of the 13th section of the diplomatic and consular act, I have now to transmit to you, by direction of the Secretary of State, a duplicate of the above mentioned communication, and also a blank bond, to which your immediate attention is invited. Information has been received here, from reliable sources, that you have frequently absented yourself from your post, it is expected, if such be the fact, that you will explain the reason of such absence without delay.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

MAX STETTMEIER, Esq.,
United States Consul, Stuttgart.

[Circular No. 16.]

DEPARTMENT OF STATE,
Washington, November 8, 1856.

SIR: Your attention is especially called to the provisions of the act of Congress approved August 18, 1856, and also to the tariff of fees prescribed by the President to be charged for official services. A copy of the tariff is herewith enclosed, together with a blank form of the official bond, which you are required to execute forthwith and transmit to this department.

A newspaper containing the above mentioned act was sent to your address immediately after its passage, and subsequently pamphlet copies of the statutes passed at the first and second sessions of the thirty-fourth Congress, the receipt of which you are requested to acknowledge.

In the event of your declining to remain in office under the provisions of the act herein mentioned, which takes effect on the 1st of January next, you will, at your earliest convenience, apprise the department of that fact, and, in the mean time, until your successor is appointed or the further pleasure of the President is ascertained, you are requested to continue in the discharge of the consular functions.

I am, sir, very respectfully, your obedient servant,

WM. L. MARCY.

MAX STETTMEYER, Esq.,

United States Consul, Stuttgart.


[Duplicate with despatch of April 18, 1858.]

Know all men by these presents, that we, ———, are held and firmly bound to the United States of America in the sum of ——— thousand dollars, money of the said United States, to the payment whereof we bind ourselves, jointly and severally, our joint and several heirs, executors, and administrators. Witness our hands and seals, this ——— day of ———, 18—.

The condition of the above obligation is such that if the above bounden ———, appointed ——— of the United States at ———, shall truly and faithfully discharge the duties of his said office according to law, and shall truly and faithfully account for, pay over, and deliver up all fees, moneys, goods, effects, books, records, papers, and other property which shall come to the hands of the said ———, or to the hands of any person for his use as such ———, under any law now or hereafter enacted, and that he will truly and faithfully perform all other duties now or hereafter lawfully imposed upon him as such ———. And these presents are subject to this other and further condition, that he, the said ———, will not, while he holds the said office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any

such person, to, from, or within the port, place, or limits of his ———, directly or indirectly, either in his own name, or in the name or through the agency of any other person; and in case he, the said ———, shall violate the provisions of this condition, that then the above named obligors shall be liable to said obligees to a penalty for the breach of such condition in a sum equal to the amount of the annual compensation of said ———; which is hereby stipulated, agreed upon, and admitted by way of liquidated damages, but that this condition shall not impair or prevent the right of the United States to prosecute said ———, for the recovery of said penalty against him, the said ———, individually, the same as if this bond had not been given; and if the said ——— shall conform to all the above conditions, then this obligation to be void; otherwise, to remain in full force.

Signed, sealed, and delivered in the presence of us—

 The following instructions must be particularly observed and complied with:

1st. The Christian names must be written in the body of the bond in full, and so signed to the bond.

2d. A seal of wax or wafer to be attached to each signature.

3d. Each signature must be made in the presence of two persons, who must sign their names as witnesses.

4th. The United States attorney of the district in which the sureties reside must certify that they are sufficient to pay the penalty of the bond, and are citizens of the United States.

5th. Bond to be dated.

Mr. Stettheimer to Mr. Cass.

No. 4.]

CONSULATE OF THE UNITED STATES OF AMERICA,

Stuttgart, May 18, 1857.

In reply to the last despatch from the honorable department, dated Washington, April 18, I have the honor to state that I have addressed the first official bond, in accordance to circular No. 16, of the 8th of November last, immediately after its arrival, to my sureties in New York, which I now suppose has not come to the place of its destination. I therefore send to-day the other bond to my friends in New York, advising them to transmit the same, as soon as executed, to the honorable Department of State.

Respecting the explanation of my absence from post, it has been for no longer period than allowed, and such absence I have spent to inform myself in the several districts about the trade and commerce of this country in relation to the United States, as referred, with my report No. 2, of the 20th of March last; and during this time, even as well as since my entrance of the consulate, I employed a thoroughly

qualified man for the business of the consulate, as advised with my despatch No. 2, of the 22d of February, 1854; and I can with the most certainty state that the duties and business of this consulate are well attended, and I endeavor to do all in my power for the accommodation and comfort of the American citizens residing or visiting this city. In the mean time I allow myself to remark that the business of this consulate is very trifling, and can easily be attended to.

I have the honor to sign, very respectfully, your most obedient servant,

MAX STETTMEIER,

Consul of the United States of America.

The Honorable DEPARTMENT OF STATE,
Washington.

Mr. Appleton to Mr. Ricker.

DEPARTMENT OF STATE,
Washington, May 20, 1857.

SIR: Your despatches of 1857, to No. 51 inclusive, have been received, with the exception of Nos. 3, 42, 43, 46, 49 and 50.

I transmit, herewith, a copy of a communication addressed by this department to Mr. De Puy, late consul at Carlsruhe, from which you will perceive that his name has been erased from the list of consuls. You will apprise the authorities of Baden that you are the only consular officer of the United States now recognized by this department within the limits of that Grand Duchy.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

S. RICKER, Esq.,
United States Consul General, Frankfurt.

Mr. Appleton to Mr. Stettmeier.

[Extract.]

DEPARTMENT OF STATE,
Washington, November 16, 1857.

SIR: * * * * * * *

The department has been informed that you are engaged in business contrary to the provisions of the 5th section of the above mentioned statute, (approved August 18, 1856,) and that "you make use of the office as an advertising medium for your own business by having your name in connexion with the consulate and your house of business stamped upon your letter paper." An immediate reply to this allegation will be expected from you.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

MAX STETTMEIER, Esq.
United States Consul, Stutgard.

Mr. Stettheimer to Mr. Cass.

[Extract.]

CONSULATE UNITED STATES OF AMERICA,
Stuttgart, December 14, 1855.

* * * * *

Of my business connexion I have informed the honorable Department of State in my despatch No. 6 of the 9th of June, 1855, and beg to refer to the contents thereof, stating that I have an interest in the business of Messrs. Seligman & Stettheimer, importers of foreign goods at New York; but that I am not doing any business here in the kingdom to which I am accredited; and hence my connexion with said firm does not conflict in any manner or shape with the consular regulations; and so it was considered by the government hitherto.

In reference to the other allegation of having my name stamped on letter paper in connexion with the consulate, I beg to state that this was done previous to the new consular regulations, when consuls on fee were permitted to transact business; moreover the circulation of this paper extends no further than to my own firm; should, however, this be obnoxious to the honorable department, I shall discontinue the use of the same. * * * * *

I have the honor to sign, your most obedient servant,

MAX STETTHEIMER,

United States Consul.

The Honorable DEPARTMENT OF STATE,

Washington.

No. 6.]

UNITED STATES CONSULATE,
Stuttgart, this 9th day of June, 1855.

Referring to my last despatch, Nos. 4 and 5, I have since received the circular, "An act to regulate the carriage of passengers in steamships and other vessels," "General instructions No. 51," dated Treasury Department, May 3, 1855, and "Circular No. 10 from the Department of State to consuls and commercial agents of the United States, with the act to remodel the diplomatic and consular systems of the United States, approved March 1, 1855." (The latter I received unpaid by the last mail.) From the contents thereof I notice that from the 1st of July next the consul at Stuttgart shall receive an annual compensation for his service of one thousand dollars, but he shall not be permitted to transact business either in his own name or through the agency of others. I deem it my duty to report to the Department of State that I have an interest in the business of Messrs. Seligman & Stettheimer, importers of foreign goods at New York, but I am not doing any business here in this city except to attend to the forwarding of goods for our house, and to the correspondence thereof, and as I

am not able to support my family on a compensation of one thousand dollars per annum without being permitted to continue in business, therefore I beg the Department of State to advise me if this connexion in business would be permitted to me as consul of this place, as my business transaction does not interfere with the consular affairs, and I am by all means able to attend to the duties thereof, if continued in office; otherwise I beg for allowance to resign.

I have the honor to sign, very respectfully,

MAX STETTHEIMER,

United States Consul.

The DEPARTMENT OF STATE, *Washington.*

Messrs. Seligman & Stettheimer to Mr. Marcy.

NEW YORK, *Broadway, June 28, 1855.*

HONORED SIR: We received a communication from Max Stettheimer, esq., United States consul at Stutgard, advising us of having received from your department a copy of the late law of Congress which interdicts consuls, under penalty of being recalled and fined in a sum not less than two thousand dollars, from transacting business, either in their own name or through the agency of others.

Now as Consul Stettheimer has neither store nor warehouse, nor transacts any business whatsoever, *neither in the city of Stutgard nor in the kingdom of Wirtemberg*, but attends solely to the duties of his office, with the exception of disbursing funds to our correspondents in North Germany, and occasionally, say three or four times a year, visiting Leipsic or Frankfort, and that only for a week at a time, we would feel obliged to you for information whether, under these circumstances, Mr. Stettheimer is compelled respectfully to resign his office as consul or whether the department will allow him (provided he transacts no business in the city and kingdom wherein he resides) to attend to the few duties above enumerated for his New York house.

We would add that Mr. Stettheimer cares nothing for the salary attached to the consulate; that his duties as consul in an inland city are very light and unimportant, but that he takes pride in serving the department, and has frequently shown his zeal during the past year by giving important and valuable information to the collectors of New York and San Francisco.

Begging you to favor us with a reply, we remain, honored sir, very truly and respectfully, your servants, &c.

SELIGMAN & STETTHEIMER.

HON. WILLIAM L. MARCY,

Secretary of State.

Mr. Appleton to Mr. Stettheimer.

DEPARTMENT OF STATE,
Washington, September 11, 1858.

SIR: The President having appointed Topley W. Young, of Virginia, consul of the United States at Stutgard, I will thank you to deliver to him the records and archives of the consulate, the seal, press, flag, and arms, together with the Statutes at Large, Wheaton's Digest, and all other books and property in your possession belonging to the United States.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

MAX STETTMEIER, Esq.
United States Consulate, Stutgard.

Mr. Appleton to Mr Fairfield.

DEPARTMENT OF STATE,
Washington, October 17, 1857.

SIR: I transmit, herewith, a copy of a letter, addressed to this department by the Secretary of the Treasury, communicating his decision in the case of the American ship "Robert Harding."

Your attention is invited to the closing paragraph of the letter, in which it is intimated that you are violating the provisions of the 5th section of the act of August 18, 1856.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

G. H. FAIRFIELD, Esq.,
United States Consul, Mauritius.

Mr. Cobb to Mr. Cass.

TREASURY DEPARTMENT,
October 16, 1857.

SIR: I have the honor to return, herewith, the despatch of the United States consul at Mauritius, respecting the retention of the marine papers of the American ship "Robert Harding," of Boston.

This department has authorized the collector of Boston to issue a new register to said vessel on payment of the fees due the consul which the master refused to pay to that officer.

It has been intimated to this department that the consul at

Mauritius is engaged in commercial business, in violation of the 5th section of the consular act of August 18, 1856.

Very respectfully, your obedient servant,

HOWELL COBB,

Secretary of the Treasury.

Hon. LEWIS CASS, *Secretary of State.*

Mr. Fairfield to Mr. Cass.

[Extract.]

No. 5.]

CONSULATE OF THE UNITED STATES,
Port Louis, Mauritius, February 17, 1858.

SIR: * * * * * * *

The closing clause of the enclosure in your communication of October 17, 1857, intimates that I am suspected of violating the provisions of the 5th section of the consular act of August 18, 1856.

I plead not guilty of such violation, on my honor.

I received information of the said act for the first time on the 28th January, 1857. I then had some unfinished business on my hands, consignments, &c. I immediately made it all over to a mercantile firm here, preferring to follow the injunctions of the said act to the letter, to bringing myself liable to the government for violations thereof. I have not in any way or manner solicited business since that time, and when my countrymen, coming into this port as strangers, have asked me to introduce them to some firm for the transaction of their business, I have invariably declined to recommend any house to them, merely naming five or six of the first mercantile firms here, and leaving the inquirer to make his own selection.

In August, 1856, I placed a number of circulars in the hands of the boarding clerk of the Port department, to be, by sanction of the local government, put into the hands of American shipmasters arriving here. On the 5th of February, 1857, eight days after I had received notice of the act of 1856, Captain Putnam arrived here in the ship "Robert Harding." Having been very much occupied in disposing of my business matters as aforesaid, I had up to that time neglected and forgotten to take what circulars were remaining in the hands of the boarding clerk; and, consequently, that clerk put one of them into the hands of Captain Putnam. When Captain Putnam came into my office, he told me that he had received a circular, and that he should have "*great pleasure* in forwarding it to the Secretary of State to my detriment." I made him no reply, but sent for the boarding clerk and withdrew my circulars.

I never asked Captain Putnam for his business, and I state, upon my honor, that since that time I have not in any way violated the

provisions of the 5th section of the act aforementioned; although I have at times been very much distressed, owing to the meagre pittance given me by government as a salary.

I have the honor to remain, very respectfully, your most obedient servant,

GEO. H. FAIRFIELD,
United States Consul.

Hon. LEWIS CASS,
Secretary of State, Washington.

Mr. Appleton to Mr. Latimer.

DEPARTMENT OF STATE,
Washington, April 9, 1857.

SIR: No reply having been received to the circular letter addressed to you on the 8th of November last by this department, in which was enclosed a blank bond which you were requested to execute and transmit to this department, in accordance with the provisions of the 13th section of the diplomatic and consular act, I have now to transmit to you, by direction of the Secretary of State, a duplicate of the above mentioned communication; and also a blank bond, to which your immediate attention is invited.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

GEORGE LATIMER, Esq.,
U. S. Consul, St. John's, Porto Rico.

[Circular No. 16.]

DEPARTMENT OF STATE,
Washington, November 8, 1856.

SIR: Your attention is especially called to the provisions of the act of Congress approved August 18, 1856, and also to the tariff of fees prescribed by the President to be charged for official services. A copy of the tariff is herewith enclosed, together with a blank form of the official bond, which you are required to execute forthwith and transmit to this department.

A newspaper containing the above mentioned act was sent to your address immediately after its passage, and subsequently pamphlet copies of the statutes passed at the first and second session of the thirty-fourth Congress, the receipt of which you are requested to acknowledge.

In the event of your declining to remain in office under the pro-

visions of the act herein mentioned, which takes effect on the first of January next, you will, at your earliest convenience, apprise the department of that fact, and in the mean time, until your successor is appointed, or the further pleasure of the President is ascertained, you are requested to continue in the discharge of the consular functions.

I am, sir, very respectfully, your obedient servant,

WM. L. MARCY.

GEORGE LATIMER, Esq.,

United States Consul, St. John's, Porto Rico.

Know all men by these presents, that we, ———, are held and firmly bound to the United States of America in the sum of four thousand dollars, money of the said United States, to the payment whereof we bind ourselves, jointly and severally, our joint and several heirs, executors, and administrators. Witness our hands and seals this ——— day of ———, 18—.

The condition of the above obligation is such, that if the above bounden ———, appointed ——— of the United States at ———, shall truly and faithfully discharge the duties of his said office according to law, and shall truly and faithfully account for, pay over, and deliver up all fees, moneys, goods, effects, books, records, papers, and other property which shall come to the hands of the said ———, or to the hands of any person for his use as such ———, under any law now or hereafter enacted, and that he will truly and faithfully perform all other duties now or hereafter lawfully imposed upon him as such ———. And these presents are subject to this other and further condition, that he, the said ———, will not, while he holds the said office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person, to, from, or within the port, place, or limits of his ———, directly or indirectly, either in his own name or in the name or through the agency of any other person; and in case he, the said ———, shall violate the provisions of this condition, that then the above named obligors shall be liable to said obligees to a penalty for the breach of such condition in a sum equal to the amount of the annual compensation of said ———; which is hereby stipulated, agreed upon, and admitted by way of liquidated damages, but that this condition shall not impair or prevent the right of the United States to prosecute said ——— for the recovery of said penalty against him, the said ———, individually, the same as if this bond had not been given; and if the said ——— shall conform to all the above conditions, then this obligation to be void; otherwise to remain in full force.

Signed, sealed, and delivered, in the presence of us—

The following instructions must be particularly observed and complied with:

1. The Christian names must be written in the body of the bond in full, and so signed to the bond.

2. A seal of wax or wafer to be attached to each signature.
3. Each signature must be made in the presence of two persons, who must sign their names as witnesses.
4. The United States attorney of the district in which the sureties reside must certify that they are sufficient to pay the penalty of the bond, and are citizens of the United States.
5. Bond to be dated.

Mr. Latimer to Mr. Cass.

No. 154.]

CONSULATE OF THE UNITED STATES,
St. John's, Porto Rico, May 26, 1857.

SIR: I have the honor to own the receipt of your despatch of April 9, with the enclosures therein named.

I respectfully beg to state that I am very desirous to retain the office of consul of the United States for this port and district, and in a short time my commercial engagements will terminate, and I be able to execute the bond as required by the act of 1856.

I have the honor to be, sir, very respectfully, your obedient servant, &c.

GEO. LATIMER.

Hon. LEWIS CASS, *Secretary of State, Washington.*

Mr. Cass to Mr. Cobb.

DEPARTMENT OF STATE,
Washington, June 30, 1858.

SIR: I have the honor to transmit herewith the account for salary of George Latimer, esq., United States consul at St. John's, Porto Rico, for the quarter ending March 31, 1857, together with a certificate of the rate of exchange.

I think it proper that you should be apprised that Mr. Latimer has failed to transmit his official bond as required by the fifth section of the act approved August 18, 1856, regulating the diplomatic and consular systems of the United States.

I am, sir, your obedient servant,

LEWIS CASS.

Hon. HOWELL COBB,
Secretary of the Treasury.

Mr. Appleton to Mr. Latimer.

DEPARTMENT OF STATE,
Washington, June 30, 1858.

SIR: Your despatches from No. 150 to No. 153, both inclusive, have been received, with their respective enclosures.

Your account for salary, with the certificate showing the rate of exchange, has been sent to the Secretary of the Treasury.

In transmitting these papers, it was deemed proper to apprise the Secretary of the Treasury that you have failed to give the bond required by the fifth section of the act of August 18, 1856, regulating the diplomatic and consular systems of the United States, to which your attention is again directed.

In compliance with your request a flag has been forwarded to your address for the use of the consulate.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

G. LATIMER, Esq.,
United States Consul, St. John's, Porto Rico.

Mr. Cass to Mr. Cobb.

DEPARTMENT OF STATE,
Washington, July 22, 1858.

SIR: Referring to the communication which was addressed to you by this department on the 30th of June, I now transmit, for the information of the accounting officers of the treasury, copy of a despatch* which has this day been sent to Mr. G. Latimer, the United States consul at St. John's, Porto Rico.

I am, sir, your obedient servant,

LEWIS CASS.

Hon. HOWELL COBB,
Secretary of the Treasury.

Mr. Cass to Mr. Latimer.

DEPARTMENT OF STATE,
Washington, July 22, 1858.

SIR: Referring to the communication addressed to you on the 30th of November, 1856, in which your attention was called to the provisions of the act of Congress of August 18, 1856, regulating the diplomatic and consular systems of the United States, and also to the despatch which was addressed to you on the 30th of June, 1857, in which you were apprised that the Secretary of the Treasury had been informed of your failure to execute the consular bond required by the 5th section of the above mentioned act, I now transmit, for the purpose of being executed without unnecessary delay, a blank form of a consular bond, conformably to the provisions of law and the consular regulations.

* See despatch to Mr. Latimer, dated July 22, 1858.

You are requested to make no more drafts upon this department until your bond shall have been filed, and you have been informed of its approval.

I am, sir, your obedient servant,

LEWIS CASS.

GEORGE LATIMER, Esq., *United States Consul,*
St. John's, Porto Rico.

Mr. Latimer to Mr. Cass.

No. 10.]

CONSULATE OF THE UNITED STATES,
St. John's, Porto Rico, August 24, 1858.

SIR: In acknowledging receipt of your despatch of July 22, relative to my not having executed the new consular bond, copy of which is enclosed for me to execute "without unnecessary delay," and directing me to make no more drafts upon the department until my bond shall have been filed and I informed of its approval, I respectfully beg to say that the same engagements which previously prevented my executing the bond, as mentioned in my despatch No. 154, May 26, 1857, and as I had the honor of verbally explaining to you when in Washington last December, (under leave of absence,) still exist, but in a short time they will terminate, and I be able to execute the bond; in the meantime I hope any drafts I may have occasion to make upon the department will meet due honor.

I have the honor to be, &c.,

GEORGE LATIMER.

Hon. LEWIS CASS, *Secretary of State,*
Washington, D. C.

Mr. McConnel to Mr. Latimer.

TREASURY DEPARTMENT,
Fifth Auditor's Office, September 7, 1858.

SIR: Your accounts for salary and fees (including accounts of Charles A. Hoard, vice-consul) from October 1 to 28, 1857, and from January 29 to June 30, 1858, have been received at this office, and the adjustment of the same suspended in consequence of your failing to file with the proper department your new official bond, as required by the fifth section of the act of August 18, 1856, "to regulate the diplomatic and consular systems," and to which your attention was called, by the State Department, November 3, 1856, June 30, 1857, and July 22, 1858.

The drafts predicated upon the abovementioned accounts for salary

cannot be paid, and have been returned to Messrs. J. V. Oñativia & Co., No. 47, South street, New York, the holders thereof.

I am, very respectfully, your obedient servant,

M. McCONNEL, *Auditor.*

GEO. LATIMER, Esq.,

United States Consul, St John's, Porto Rico.

Mr. McConnel to Messrs. Oñativia & Co.

TREASURY DEPARTMENT,

Fifth Auditor's Office, September 8, 1858.

GENTLEMEN: Your communication of the 4th instant, to the Secretary of the Treasury, inclosing drafts of Geo. Latimer, United States consul at St. John's, Porto Rico, has been received and referred to this office.

In reply thereto, I have to inform you that drafts, herewith returned, for \$443 79 and \$456 36 cannot be paid, in consequence of the non-compliance of the consul with the fifth section of the act of the 18th August, 1856, "to regulate the diplomatic and consular systems of the United States," in not filing his new official bond, of which he has been duly advised.

The draft for \$391 56, C. H. Hoard, vice-consul, has been, this day, directed to be paid; and draft for \$600, for office rent, referred to the State Department, and directed, if allowed, to be remitted to you, as requested.

I am, very respectfully, your obedient servant,

M. McCONNEL, *Auditor.*

Messrs. J. V. OÑATIVIA & Co.,

No 47, South street, New York.

Messrs. Oñativia & Co. to Mr. Cass.

NEW YORK, *September 30, 1858.*

SIR: We beg to state that the drafts of George Latimer, United States consul at St. John's, Porto Rico, for \$443 79 and for \$456 36, have been returned to us by the Treasury Department, in consequence of the non-compliance of the consul with the 5th section of the act of August 18, 1856.

We beg to state that we are prepared to become security to the satisfaction of the department for the fulfilment of the filing of the bond, executed in due form; also, we beg to be allowed the time necessary for the return of said bond from Mr. George Latimer, consul.

We remain, very respectfully, your obedient servants,

J. V. OÑATIVIA & CO.

Hon. LEWIS CASS,

Secretary of State, Washington.

[Endorsed.]

DEPARTMENT OF STATE, *October 1, 1858.*

Respectfully referred to the Treasury Department.

TREASURY DEPARTMENT, *October 1, 1858.*

Respectfully referred to First Comptroller.

G. RODMAN, *Chief Clerk.*COMPTROLLER'S OFFICE, *October 6, 1858.*

Respectfully referred to the Fifth Auditor of the Treasury.

W. MEDILL, *Comptroller.*

Mr. McConnel to Mr. Cass.TREASURY DEPARTMENT,
Fifth Auditor's Office, October 7, 1858.

SIR: The communication of Messrs. J. V. Oñativia & Co., addressed to you under date of September 30, 1858, referred to the Secretary of the Treasury, thence to the Comptroller, and by him to this office, on the subject of the drafts of George Latimer, Esq., consul at St. John's, Porto Rico, having been returned to them in consequence of his non-compliance with the 5th section of the act of August 18, 1856, and also touching their proposition: "to become security to the satisfaction of the department for the fulfilment of the filing of the bond, executed in due form," and that they "be allowed the time necessary for the return of said bond from Mr. George Latimer," has been considered, and I have the honor respectfully to refer the same back to the Department of State for its further consideration.

The 5th section of the act above referred to provides that "no consul general, consul, or commercial agent embraced in schedule B shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person, to, from, or within the port, place, or limits of his consulate or commercial agency, directly or indirectly, either in his own name or in the name or through the agency of any other person; and, if appointed after this act shall take effect, he shall, in his official bond, stipulate as a condition thereof not to violate this prohibition; and, if appointed before and retained in office after this act shall take effect, he shall, within such reasonable time as the President shall prescribe, enter into a new official bond, with such stipulation as a condition thereof." * * * *

Mr. Latimer was appointed consul at St. John's, Porto Rico, on the 17th of September, 1846, and retained in office after the act of the 18th of August, 1856, went into operation, namely, the 1st day of

January, 1857. His attention was called to this prohibition of the act November 3, 1856, June 30, 1857, and July 22, 1858, by the Department of State, and his failure to comply therewith communicated to the Secretary of the Treasury June 30, 1857, and July 22, 1858.

Such reasonable time having elapsed without the consul's entering into a new official bond, payment of his drafts for balance of salary for the quarters ending December 31, 1857, March 31, 1858, and June 30, 1858, was refused, and they were returned to the Messrs. Oñativia, the holders, and the parties interested were duly advised by this office, under date, respectively, of September 7 and 8, 1858, that they could not be paid, in consequence of Mr. Latimer's failing to comply with the provisions of the act aforesaid.

It is respectfully suggested, as the consular officer appointed before and retained in office after this act went into operation is required to enter into a bond to be approved by the Secretary of State, that the proposition of the Messrs. Oñativia, having in view the payments of the drafts returned, cannot be considered by this office, as the 5th section of the said act imposes a penalty equal in amount to the annual compensation, if any consul, &c., shall violate such prohibition, and continue to be interested in or transact any business.

I am, very respectfully, your obedient servant,

M. McCONNEL, *Auditor.*

Hon. LEWIS CASS,

Secretary of State.

Mr. Latimer to Mr. Cass, received January 6, 1859.

No. 16.]

CONSULATE OF THE UNITED STATES,
St. John's, Porto Rico, October 2, 1858.

SIR: With reference to my despatch No. 10, August 24, I now beg to state that, although my present commercial engagements will terminate in a short time, and I retire from active business, yet I find it will not be convenient for me to withdraw all my interest from my house; and consequently, even when that time arrives, I will not be able to execute the new consular bond, as I stated in said despatch I would, without violating the spirit of the law and subjecting myself to its penalties. I therefore beg respectfully to tender my resignation of the commission I hold as consul of the United States for this city and district, and accordingly hand it herein marked A. I will, of course, continue to act until my successor is appointed.

I improve this occasion to thank the department for the consideration shown me since I have had the honor of being consul of the United States from 1846 to date.

I have the honor to be, sir, very respectfully, your obedient servant,

GEO. LATIMER,

Consul United States of America.

Hon. LEWIS CASS,

Secretary of State, Washington, D. C.

A.

CONSULATE OF THE UNITED STATES,
St. John's, Porto Rico, October 2, 1858.

SIR: I hereby resign the commission of consul of the United States for this city and district, with which I have been honored since the year 1846.

I have the honor to be, sir, very respectfully, your obedient servant,
 GEO. LATIMER,
Consul United States of America.

Hon. LEWIS CASS,
Secretary of State, Washington, D. C.

Mr. Appleton to Mr. Latimer.

DEPARTMENT OF STATE,
Washington, October 13, 1858.

SIR: I transmit herewith for your information, a copy of a communication* dated October 7, received from the Treasury Department, respecting the non-payment of your drafts, in consequence of your failure to comply with the provisions of the fifth section of the consular act of August 18, 1856, to which your attention has been repeatedly directed.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

GEORGE LATIMER, Esq.,
United States Consul, St. John's, Porto Rico.

Mr. Appleton to Messrs. Oñativia & Co.

DEPARTMENT OF STATE,
Washington, October 13, 1858.

GENTLEMEN: Your communication of the 30th ultimo, stating that the drafts of George Latimer, United States consul at St. John's, Porto Rico, for \$443 79 and \$456 36, have been returned to you by the Treasury Department, in consequence of the non-fulfilment by the consul of the provisions of the fifth section of the act of August 18, 1856, in respect to the execution of his official bond, and offering to become security to the satisfaction of the department for the filing of the same in due form, has been received and referred to the Treasury Department, by which it has been returned, with the suggestion that

* See letter of Mr. McConnell, Fifth Auditor, dated October 7, 1858.

your proposition, having in view the payment of the above mentioned drafts cannot be considered, inasmuch as the said act imposes a penalty equal in amount to the annual compensation of any consul who shall violate the provisions of the said fifth section.

I am, gentlemen, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

Messrs. J. V. OÑATIVIA & Co., *New York.*

Mr. Appleton to Mr. Latimer.

DEPARTMENT OF STATE,
Washington, October 27, 1858.

SIR: I am directed to transmit, for your information upon the subject, copy of a resolution of the House of Representatives of the United States, which was received at this department on the 20th instant, calling for information respecting any violation by consular officers of certain provisions of the act approved August 18, 1856, to regulate the diplomatic and consular systems of the United States.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

GEORGE LATIMER, Esq.,
United States consul, St. John's, Porto Rico.

Resolution of the House of Representatives, Thirty-fifth Congress, first session.

JUNE 14, 1858.

On motion of Mr. Bowie,

Resolved, That the President of the United States be, and he is hereby, requested to communicate to this House, at its next session, whether any "consul general, consul, or commercial agent," embraced in schedule B of the act of 18th of August, 1856, has been engaged, in violation of said act, in mercantile business, as a merchant, factor, broker, or other trader, or as clerk or agent for any such person directly or indirectly, and that he communicate to this House all information and correspondence which may have been received on that subject.

Attest:

J. C. ALLEN, *Clerk.*

[Endorsements.]

This resolution was received by me on Monday night, October 18, 1858.

JAMES BUCHANAN.

Received at the Department of State, October 20.

Mr. Appleton to Mr. McConnel.

DEPARTMENT OF STATE,
Washington, January 8, 1859.

SIR: I have to acknowledge the receipt of your communication of the 7th instant, enclosing a letter addressed to you by J. V. Oñativia & Co., asking payment of certain drafts drawn by Mr. Latimer.

In reply to your inquiry, I have to acquaint you that Mr. Latimer has not executed his official bond; he * * * * * now only holds the office till his successor shall be appointed and enters upon his duties.

In reference to the disposition of his drafts, I beg leave to refer you to the Secretary of the Treasury, under whose direction all accounts for consular salaries are adjusted and paid.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

M. McCONNEL, Esq.,
Fifth Auditor.

Mr. Cobb to Mr. Cass.

TREASURY DEPARTMENT,
January 17, 1859.

SIR: I have the honor to transmit herewith for your information, and for such action as you may deem proper, a communication under date of the 15th instant, from the local appraiser at Baltimore, in which he states that the consul of the United States at St. John's, Porto Rico, is largely engaged in business under the firm of Latimer & Co.

Very respectfully, your obedient servant,

HOWELL COBB,
Secretary of the Treasury.

Hon. LEWIS CASS,
Secretary of State.

Mr. Richardson to Mr. Cobb.

UNITED STATES APPRAISER'S OFFICE,
Baltimore, January 15, 1859.

SIR: I deem it my duty to say to you that the consul of the United States at St. John's, Porto Rico, is largely engaged in business, and, under the firm of Latimer & Co., ships very frequently to this port, as owner or part owner, heavy invoices of sugar and molasses, and having his invoices sworn to by himself, and certified to (as we

believe) by some clerk, acting for him in the case, as vice consul. Invoices coming from other parties in the same ship have the consular seal, and certified to by Latimer himself, while his own invoices are certified by another party acting as vice consul. We have repeatedly found these invoices below the market rates, and accordingly advanced them, notwithstanding the consul's seal and certificate. Their agents or consignees here seem to think we should show some respect to the seal and certificate of the consul; but our experience has satisfied us that where the parties are so directly interested, we cannot depend upon either the invoices or advices furnished. The subject seems to be one requiring attention, and we submit it to your consideration with the simple desire of discharging our duty to the department.

Very respectfully, yours, &c.,

B. H. RICHARDSON.

Hon. HOWELL COBB,
Secretary of the Treasury.

P. S. Could not directions be given to the several consuls to furnish the appraiser monthly, or oftener if practicable, with regular prices current from their ports. Such advices from them would be of much service to us in the discharge of our duty.

B. H. R.

Mr. Appleton to Mr. Latimer.

DEPARTMENT OF STATE,
Washington, January 17, 1859.

SIR: A communication dated the 15th instant, has been transmitted to this Department by the Secretary of the Treasury, a copy of which is herewith enclosed, in order that you may have an opportunity of making such an explanation as a regard for your own character and the honor of the public service justly require.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

GEORGE LATIMER, Esq.,
United States Consul, St. John's, Porto Rico.

Mr. Cass to Mr. Cobb.

DEPARTMENT OF STATE,
Washington, January 18, 1859.

SIR: I have the honor to acknowledge the receipt of your communication of the 17th instant, transmitting for the information of this department for such proceedings as may be deemed proper, a communication from the local appraiser at Baltimore, in which it is stated

that the consul of the United States at St. John's, Porto Rico, is largely engaged in business under the firm of Latimer & Co.

In reply, I have to state that the attention of Mr. Latimer has been repeatedly called by this department to the provisions of the act of August 18, 1856, he having hitherto failed to execute his official bond, the President has directed that his successor should be appointed, who will proceed to his post at the earliest moment.

It is proper to state that agreeably to the decision of the department in 1847, the case of Mr. Chasseaud, late United State consul at Beirut, which was subsequently confirmed by act of Congress; (see Statutes at Large, volume 9, page 659,) payment of Mr. Latimer's drafts has been refused. * * * * *

I am, sir, your obedient servant,

LEWIS CASS.

Hon. HOWELL COBB,
Secretary of the Treasury.

Mr. Appleton to Mr. Latimer.

DEPARTMENT OF STATE,
Washington February 2, 1859.

SIR: The President having appointed Charles de Ronceray, esq., of the District of Columbia, consul of the United States at San Juan, Porto Rico, I will thank you to deliver to him the records and archives of the consulate, the seal, press, flag, and arms, together with the Statutes at Large, Wheaton's Digest, and all other books and property in your possession belonging to the United States.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

GEORGE LATIMER, Esq.,
United States Consulate, San Juan, Porto Rico.